



March 12, 1999

Ms. Sharon Sela
Assistant City Attorney
Criminal Law & Police Division
City of Dallas
City Hall
Dallas, Texas 75201

OR99-0723

Dear Ms. Sela:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 122805.

The Dallas Police Department (the "department") received a request for information regarding an offense that occurred on January 24, 1993. You claim that former section 51.14(d) of the Family Code in conjunction with section 552.101 of the Government Code excepts the requested information from disclosure. We have considered your arguments and have reviewed the information submitted.¹

The suspects are not all juveniles and former section 51.14(d) of the Family Code in conjunction with section 552.101 of the Government Code only applies to juveniles. You contend that the documents pertaining to juveniles are confidential and must be withheld because they involve juvenile conduct that occurred before January 1, 1996. Section 51.14(d) of the Family Code was repealed by the Seventy-fourth Legislature. Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 100, 1995 Tex. Gen. Laws 2517, 2590. Currently, section 58.007 of the Family Code provides that law enforcement records concerning a child must not be publicly disclosed. Family Code Ann. § 58.007(c). However, the amending bill provides that "[c]onduct that occurs before the effective date of this Act is covered by the law in effect at the time the conduct occurred, and the former law is continued in effect for that purpose." Act of June 2, 1997, H.B. 1500, 75th Leg., R.S., ch. 1086, § 53(b), 1997 Tex. Gen. Laws 4179, 4199. It appears and you represent that, at the

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

time the conduct occurred here, the applicable law in effect was former Family Code section 51.14 which provides, in pertinent part:

(d) Except as provided by Article 15.27, Code of Criminal Procedure, and except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records [concerning a child] are not open to public inspection nor may their contents be disclosed to the public.

Act of May 22, 1993, 73d Leg., R.S., ch. 461, § 3, 1993 Tex. Gen. Laws 1850, 1852, *repealed by* Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 100, 1995 Tex. Gen. Laws 2517, 2590. In Open Records Decision No. 181 at 2 (1977), this office held that former section 51.14(d) excepts police reports which identify juveniles or furnish a basis for their identification. *See also* Open Records Decision No. 394 at 4-5 (1983) (applying former Fam. Code § 51.14(d) to “police blotter” and related information).

However, the documents indicate that they relate to charges for which the juveniles were transferred under section 54.02 of the Family Code to a criminal court for prosecution. All the juveniles were tried as adults for capital murder and are serving capital life sentences. Accordingly, we conclude that the department may not withhold any juvenile information under section 51.14 of the Family Code in conjunction with section 552.101 of the Government Code as information deemed confidential by law.

We assume that you are releasing documents filed with a court and all newspaper articles. They are generally considered public and must be released. *See Star Telegram, Inc. v. Walker*, 834 S.W.2d 54, 57 (Tex. 1992); Attorney General Opinion DM-166 (1992). We also note that the submitted documents include an autopsy report. Autopsy reports prepared by a medical examiner are expressly made public by article 49.25, section 11 of the Code of Criminal Procedure.

Some of the enclosed documents consist of criminal history record information (“CHRI”). *See* green tabs. Section 552.101 of the Government Code excepts from disclosure information made confidential by law, either constitutional, statutory, or by judicial decision. CHRI obtained from the National Crime Information Center or the Texas Crime Information Center is generally confidential by law. 28 C.F.R. § 20; Gov’t Code § 411.083. CHRI that has been compiled by a governmental entity is protected by the common-law right to privacy. *See United States Dep’t of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749 (1989). We conclude that CHRI must be withheld from public disclosure. All other information must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

David Van Brunt Price
David Van Brunt Price
Assistant Attorney General
Open Records Division

DVP\nc

Ref: ID# 122805

Enclosures: Submitted documents

cc: Ms. Mary Strickland
3723 Myrtle Street
Dallas, Texas 75215
(w/o enclosures)